

RESOLUTION NO. 2012-3551

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MIAMI SPRINGS, FLORIDA;
URGING LOCAL RETAILERS SELLING
TOBACCO PRODUCTS TO REFRAIN FROM
SELLING AND MARKETING FLAVORED
TOBACCO PRODUCTS BECAUSE SUCH
PRODUCTS TEND TO PROMOTE AND
INFLUENCE TOBACCO USE BY MINORS AND
YOUNG ADULTS; EFFECTIVE DATE**

WHEREAS, tobacco use is the number one cause of preventable death in the United States, and almost 90 percent of tobacco users started before they were 18 years old; and,

WHEREAS, each day, more than 4,000 young people try smoking for the first time, and over 1,000 become regular daily smokers; and,

WHEREAS, the Surgeon General has concluded that tobacco advertising greatly contributes to youth smoking rates; and,

WHEREAS, an estimated one third of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities; and,

WHEREAS, the Master Settlement Agreement (MSA) reached in 1998 between state Attorney Generals and major tobacco companies forbids cigarette manufacturers from directly or indirectly targeting youth in advertising, marketing and promotion of tobacco product or to take any action to initiate, maintain or increase youth smoking; and,

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WHEREAS, internal tobacco industry documents strongly suggest that manufacturers intentionally target youth through use of candy-like flavors in tobacco products; and,

WHEREAS, research from the Harvard School of Public Health (published November 2005) found that cigarette makers are targeting young smokers with new candy and liqueur flavored brands that mask the harsh and toxic properties found in tobacco smoke, and that tobacco companies use youth-oriented colorful and stylish packaging, and exploit adolescents' attraction to candy flavors with names such as "Mandarin Mint," "Winter Warm Toffee," and "Twista Chill;" and,

WHEREAS, on September 22, 2009, the federal Family Smoking Prevention and Tobacco Control Act ("Act") went into affect which imposes a ban on the sale of cigarettes containing certain flavors, herbs, or spices including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee; and,

WHEREAS, the Act does not include a ban on menthol cigarettes or other types of flavored tobacco products such as cigars, hookah, or smokeless tobacco products; and,

WHEREAS, national studies have found that the vast majority of people who are using the flavored tobacco products are minors and young adults; and,

WHEREAS, some of these tobacco products, specifically flavored cigars and blunt wraps, are also used as drug paraphernalia for the smoking of marijuana; and,

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WHEREAS, flavored tobacco products are defined for purposes of this Resolution as loose tobacco including snuff flour, plug and twist tobacco, fine cuts, chewing tobacco, snus, shisha tobacco, smoking or snuffing tobacco products, and all other kinds and forms of tobacco, including but not limited to cigarettes, cigars, smokeless tobacco products, and blunt wraps prepared in such a manner with the purpose of chewing, inhaling, smoking or ingesting in any manner in which the product or any of its component parts (including the tobacco, filter, or paper) contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor or an herb or spice, including but not limited to, strawberry grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, coffee, or alcohol flavors, that is characterizing flavor of the tobacco product or tobacco smoke.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: That all local retailers who sell tobacco products are hereby urged to cease the sale and marketing of all flavored tobacco products, which are defined herein as loose tobacco including, but not limited to, snuff flour, plug and twist tobacco, fine cuts, chewing tobacco, snus, smoking or snuffing tobacco products, and all other kinds and forms of tobacco, including but not limited to cigarettes, cigars, smokeless tobacco products, and blunt wraps prepared in such a manner with the purpose of chewing, inhaling, smoking or ingesting in any manner which have been flavored through the addition of natural or artificial flavorings, herbs, spices or other means with flavors characterizing fruit, candy, alcohol or other similar flavorings.

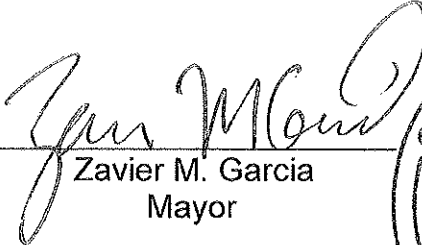
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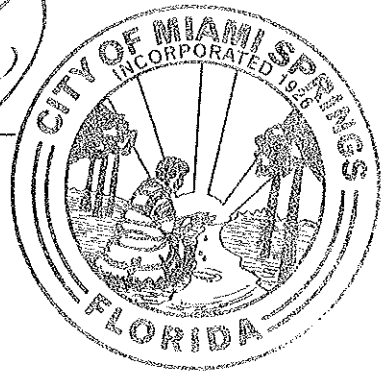
Section 2: That the provisions of this Resolution shall be effective immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida, this 27th day of August, 2012.

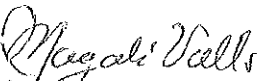
The motion to adopt the foregoing resolution was offered by Councilman Best, seconded by Councilwoman Ator, and on roll call the following vote ensued:

Vice Mayor Lob	"aye"
Councilman Best	"aye"
Councilwoman Bain	"aye"
Councilwoman Ator	"aye"
Mayor Garcia	"aye"

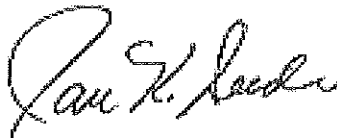

Zavier M. Garcia
Mayor



ATTEST:


Magali Valls, CMC
City Clerk

APPROVED AS TO LEGALITY AND FORM:


Jan K. Seiden, City Attorney

Tabled: 08-13-2012

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